

REMARKS

The Office Action of February 18, 2011 has been carefully considered. Reconsideration of this application, as amended, is respectfully requested.

This response is in reply to the Office Action of February 18, 2011 as well as a brief telephonic interview with Examiner Conley in early March, at which time the Examiner confirmed a typographical error in the first line of page 3 ("not" should be inserted at the end). Also discussed was clarification of language to overcome the 35 U.S.C. §112 rejection, and the Examiner indicated that the potential phrases proposed (e.g., "during operation," "while the device is operating") would seem to address the rejection, but that he would need to review any amendments as well as update the search. No claims were indicated as allowable as a result of the brief interview.

Turning now, to the office action, in light of the ambiguity at items 2a and 2b of the Office Action Summary, Applicants seek to confirm that this response is a first response filed after the request for continued examination, and that the Office Action is understood to be a non-final action. Entry of the claim amendments proposed above is respectfully requested.

Claims 1-3, 5, 7-18, 20-31, and 33-34 were newly rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The rejection is respectfully traversed in view of the amendments set forth above.

Applicants prior amendments resulted in the sole remaining rejection. Applicants have, in response, further amended claims 1 and 30 to now recite that the production of ozonated liquid is, when the device is turned on, greater than the amount demanded. Support for such a limitation is found, for example, at para. [0022] of the published application (as-filed p. 7), which states that "[i]n either design, the concept is that when the device is turned on to make available ozonated liquid, the system operates continuously to produce more freshly ozonated liquid than the maximum that might be required."

In light of the amendments presented herein to independent claims 1 and 30, claims 1-3, 5, 7-18, 20-31, and 33-34 are respectfully urged as meeting the requirements of 35 U.S.C. §112, first paragraph. More particularly, as illustrated by the example from

para. 0022, the claims now comply with the written description requirement, containing subject matter that is indeed described in the specification so as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. Withdrawal of the rejection as applied to claims 1-3, 5, 7-18, 20-31, and 33-34 and an indication of allowance is respectfully requested.

In view of the foregoing remarks and amendments, reconsideration of this application and allowance thereof are earnestly solicited. In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,

/Duane C. Basch, Esq. Reg. No. 34,545/

Duane C. Basch

Attorney for Applicant

Registration No. 34,545

Basch & Nickerson LLP

1777 Penfield Road

Penfield, New York 14526

(585) 899-3970

DCB/dcm